



PRELIMINARY DRAFT

No. 3266

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 31-14-11-18; IC 31-16-6-6.

Synopsis: Duty to support a child. Provides that the duty to support a child, which does not include educational needs, ceases when the child becomes 19 years of age. (Current law provides that the duty to support a child ceases when the child becomes 21 years of age.) Provides that the duty to support a child ceases when the child becomes 21 years of age if the child is enrolled in a secondary school or postsecondary educational institution. Allows the court to order a parent to pay child support for a child until the child becomes 21 years of age if: (1) the parties agree in writing to the payment of child support; or (2) the parent requesting the payment of child support petitions the court before the child becomes 19 years of age and shows that the child is not capable of supporting himself or herself through employment or is unable to find gainful employment. Provides that the duty to support a child ceases if the child marries. Provides that, if the court finds that a child is partially supporting himself or herself or is capable of partially supporting himself or herself, the court may order the parent to pay child support until the child becomes 21 years of age but allows the court to modify the amount of child support.

Effective: July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-14-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. **(a) Except as provided in subsection (b), the duty to support a child under this article (or IC 31-6-6.1 before its repeal), which does not include support for educational needs, ceases when the child becomes ~~twenty-one (21)~~ nineteen (19) years of age unless either of the following conditions occurs:**

(1) The child is emancipated before the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age. If this occurs, the child support, except for educational needs, terminates at the time of emancipation. However, an order for educational needs may continue in effect until further order of the court.

(2) The child is incapacitated. If this occurs, the child support continues during the incapacity or until further order of the court.

(3) The child marries. The duty to support a child ceases at the time the child marries.

(b) The duty to support a child under this chapter ceases when the child becomes twenty-one (21) years of age if the child is enrolled in a secondary school or postsecondary educational institution. However, the court may modify the amount of child support a parent is required to pay after considering the amount of the child's income while enrolled in secondary school or postsecondary school.

(c) A court may order a parent to pay child support for a child until the child becomes twenty-one (21) years of age if:

(1) the parties agree in writing to the payment of child support; or

(2) the parent requesting the payment of child support:

(A) petitions the court, before the child becomes nineteen (19) years of age, requesting the court to order that the payment of child support continue after the child becomes



1 **nineteen (19) years of age; and**

2 **(B) shows that the child is not capable of supporting**
 3 **himself or herself through employment or is unable to find**
 4 **gainful employment.**

5 **(d) If a court finds that a child is partially supporting himself or**
 6 **herself or is capable of partially supporting himself or herself**
 7 **under subsection (c)(2), the court may order a parent to pay child**
 8 **support until the child becomes twenty-one (21) years of age.**
 9 **However, the court may modify the amount of child support a**
 10 **parent is required to pay.**

11 SECTION 2. IC 31-16-6-6, AS AMENDED BY P.L.80-2010,
 12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 6. (a) **Except as provided in subsection (b), the**
 14 **duty to support a child under this chapter, which does not include**
 15 **support for educational needs,** ceases when the child becomes
 16 ~~twenty-one (21)~~ **nineteen (19)** years of age unless any of the following
 17 conditions occurs:

18 (1) The child is emancipated before becoming ~~twenty-one (21)~~
 19 **nineteen (19)** years of age. In this case the child support, except
 20 for the educational needs outlined in section 2(a)(1) of this
 21 chapter, terminates at the time of emancipation, although an order
 22 for educational needs may continue in effect until further order of
 23 the court.

24 (2) The child is incapacitated. In this case the child support
 25 continues during the incapacity or until further order of the court.

26 ~~(3) The child:~~

27 ~~(A) is at least eighteen (18) years of age;~~

28 ~~(B) has not attended a secondary school or postsecondary~~
 29 ~~educational institution for the prior four (4) months and is not~~
 30 ~~enrolled in a secondary school or postsecondary educational~~
 31 ~~institution; and~~

32 ~~(C) is or is capable of supporting himself or herself through~~
 33 ~~employment.~~

34 **In this case the child support terminates upon the court's finding**
 35 **that the conditions prescribed in this subdivision exist. However,**
 36 **if the court finds that the conditions set forth in clauses (A)**
 37 **through (C) are met but that the child is only partially supporting**
 38 **or is capable of only partially supporting himself or herself, the**
 39 **court may order that support be modified instead of terminated.**

40 **(3) The child marries. The duty to support a child ceases at**
 41 **the time the child marries.**

42 **(b) The duty to support a child under this chapter ceases when**
 43 **the child becomes twenty-one (21) years of age if the child is**
 44 **enrolled in a secondary school or postsecondary educational**
 45 **institution. However, the court may modify the amount of child**
 46 **support a parent is required to pay after considering the amount**



1 of the child's income while enrolled in secondary school or
2 postsecondary school.

3 (c) A court may order a parent to pay child support for a child
4 until the child becomes twenty-one (21) years of age if:

5 (1) the parties agree in writing to the payment of child
6 support;

7 (2) the parent requesting the payment of child support:

8 (A) petitions the court, before the child becomes nineteen
9 (19) years of age, requesting the court to order that the
10 payment of child support continue after the child becomes
11 nineteen (19) years of age; or

12 (B) shows that the child is not capable of supporting
13 himself or herself through employment or is unable to find
14 gainful employment.

15 (d) If a court finds that a child is partially supporting himself or
16 herself or is capable of partially supporting himself or herself
17 under subsection (c)(2), the court may order a parent to pay child
18 support until the child becomes twenty-one (21) years of age.
19 However, the court may modify the amount of child support a
20 parent is required to pay.

21 ~~(b)~~ (e) For purposes of determining if a child is emancipated under
22 subsection (a)(1), if the court finds that the child:

23 (1) is on active duty in the United States armed services; or

24 ~~(2) has married; or~~

25 ~~(3)~~ (2) is not under the care or control of:

26 (A) either parent; or

27 (B) an individual or agency approved by the court;

28 the court shall find the child emancipated and terminate the child
29 support.

